IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 11732 of 2002

Between:

1. Mrs. T. Nirmala W/o. T.Thomas
   Twin Cities Mahila Mandali, Subashnagar,
   Alwal, Secunderabad.
2. Mrs. Jaya W/o. Sundaravadana
   R/o. H.No. 28-5 Subashnagar,
   Alwal, Secunderabad.

..... PETITIONERS

AND

1 Sub Area Commander - A.P.
  Bollarum, Secunderabad - 10.
2 Estate Officer, Cantonment Board Office,
  Secunderabad.
3 Defence Survey (Bolaram) Court Office
  Secunderabad Cantonment.
4 Depot Manager A.P.S.R.T.C.,
  Hakimpet, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of direction or Order specially in the nature of Writ of Mandamus , directing the Respondent No.1 - 3 to allow making the repair of road by the Petitioners and their women folk of Mahila Mandali and direct the Respondent No.4 to ply the buses from Subash Nagar to Secunderabad and vice versa otherwise the petitioners and residents of Subash Nagar shall be put to irreparable loss, both mentally and physically and pass the order(s) or any other direction as this Hon'ble Court deem fit and proper in the circumstances of the case.

Counsel for the Petitioner :Sri M.M.GOUD

Counsel for the Respondents : Sri DEEPAK BHATTACHARJEE

The Court made the following :

ORAL ORDER: (Per Hon'ble the Chief Justice)

Petitioners, who are residents of Subashnagar, Alwal, Secunderabad, allege that the residents of the area had been using the road on which the buses are also plying and the road had been in existence for a long time, and the defence personnel are not allowing the repair of the road which was damaged due to rain. Therefore direction is sought against respondents not to stop the plying of buses.

Affidavit in reply has been filed by the Quarter Master, MCEME, Secunderabad, stating that there is alternate road available to the residents of the area in question and also for other persons residing in and around the locality. It is stated that security was recently strengthened in the light of the development in the borders with

Pakistan and after series of incidents had taken place in various parts of the country involving espionage activities undertaken by I.S.I. agents of Pakistan. Respondents have denied the petitioners right to use the roads which pass through defence area saying that allowing of buses through the aforesaid property would jeopardise the security. MCEME is one of the most important colleges of Indian Army imparting technical education to soldiers, and thus, the area passes through EME Centre and it is not advisable to grant requisite permission.

In such like matters when road is passing through defence area, petitioners cannot claim to pass through the defence area as a matter of right. Respondents are at liberty to withdraw the permission granted and put embargo on the free movement in the defence area by the petitioners or other residents of the locality, more particularly when other alternate routes are available. Petitioners have no vested rights and respondents are within their right to withdraw the permission. Writ Petition is misconceived and it is accordingly dismissed.

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DEVINDER GUPTA, C.J.

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M.NARAYANA REDDY, J

31-01-2005

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SECTION OFFICER

To

1 Sub Area Commander - A.P.
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